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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAWAHAR LAL,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-71975

Agency No. A95-583-058

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 8, 2005 ^{**}

Before: WALLACE, LEAVY and BERZON, Circuit Judges.

Jawahar Lal, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") decision adopting and affirming the Immigration Judge's denial of his applications for asylum and withholding of removal, and

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

request for relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence an adverse credibility finding and will uphold the BIA’s decision unless the evidence compels a contrary conclusion. *Malhi v. INS*, 336 F.3d 989, 992-93 (9th Cir. 2003). We deny the petition for review.

We conclude that substantial evidence supports the BIA’s decision because Lal’s driver’s license contradicts his statement that he lived in the Punjab continuously, an issue that goes to the heart of his asylum claim. *See Pal v. INS*, 204 F.3d 935, 938 (9th Cir. 2000) (documents submitted by petitioner which contradict petitioner’s testimony form the basis for an adverse credibility finding).

Because Lal failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Lal’s claim under the CAT is based on the same testimony that was found not credible, and he points to no other evidence that he could claim the BIA should have considered in making its determination under CAT, his CAT claim also fails. *See id.* at 1157.

PETITION FOR REVIEW DENIED.